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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,826	02/09/2001	Jerzy Perkitny	MAF 2 0063	8431
7590	10/20/2003		EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Suite 700 1100 Superior Ave. Cleveland, OH 44114-2518			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	
DATE MAILED: 10/20/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/780,826	PERKITNY, JERZY
	Examiner	Art Unit
	Jeffrey A. Shapiro	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 August 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 12 and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. It appears to be inconsistent that providing a diameter for an aperture that does not allow more than one coin to enter a coin aperture would be possible—however, it also appears that it may still be possible for two of the smallest diameter coins to enter a single aperture if the largest coin handled is larger than two of the smallest coin diameters added together. *It appears that the ambiguity of this claim lies in the fact that in the abstract, one can envision a situation where the largest coin in a set will be larger than two diameters of the smallest coin in a set.*

4. *For example, two dimes can fit into an Eisenhower dollar diameter, or maybe another, larger diameter token used by, for example, a casino. Therefore, if either is the case, then an aperture which will accommodate the largest diameter coin will still also accommodate two of the smallest coins. If, however, a particular set of coins is defined, for example, the set consisting of dimes, pennys, quarters and half-dollars in*

*the US monetary system at the current time, then the claim becomes clear, since the diameter of two dimes is larger than the largest diameter coin, the half-dollar.*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

6. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

*It is unclear what is meant in lines 11-13, which states in part "wherein a trailing edge of the separating wheel at least one aperture is so shaped..." It appears that terms may have been omitted between "wheel" and "at least". For example, if the word "has" is placed before "at least" in line 12 and the word "is" after "aperture" in line 13 is deleted, then the three lines of the claim appear to be clear.*

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

8. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano. Hirano discloses the following;

*As described in Claims 1, 6, 10, 14, 19, 23, 27, 29 and 30;*

1. a coin hopper (32);

- 1a. a sorted coin container (22) positioned below said coin hopper;
2. a coin slide positioned below said coin hopper;

(Note that it would be expedient for one ordinarily skilled in the art to use a coin slide as required by the situation—see Tamaki, figure 40, element “O” or Inoue, elements (36 and 10), for example.)

3. a coin separating and sorting assembly (see figure 3) located between said coin hopper and said coin slide, said coin separating and sorting assembly comprising:
  - a. a separating wheel (40) including at least one coin receiving aperture (note that surfaces (50a-c) perform essentially the same function as Applicant's holes) and a toroidal flange (note element (37) in figure 9 is the functional equivalent of Applicant's flange) extending away from a face of said separating wheel; and;
  - b. a wheel housing (26 and 38) on which said separating wheel is supported, said wheel housing including a toroidal channel in which said toroidal flange of said separating wheel is accommodated;

(See figures 9 and 10, noting that it is necessary for one ordinarily skilled in the art to provide a clearance channel for said wheel for it to work and that the toroidal flange of Hirano is the functional equivalent of Applicant's flange. Note also that Applicant

does not provide particular reasons for using the channel and flange arrangement over other functionally equivalent structure.)

c. a coin support surface (38) provided on one of the separating wheel and the wheel housing (note that the support surface (38) is the functional equivalent of Applicant's separating wheel);

d. a coin rolling surface (37) defined on one of the separating wheel and the wheel housing (note that the inward edge of element (37) also acts as a rolling surface, since when the coins contact it, they roll along it as they are propelled by the separating wheel);

e. said at least one coin receiving aperture in said separating wheel includes a curved leading edge (50a) having a radius of curvature only slightly larger than a diameter of a largest sized coin meant to be sorted (note that it would be obvious for the diameter of the largest coin to be accommodated by the leading edge, since it would be intended that the largest coin also be handled by the apparatus and therefore fit into the separating wheel appropriately);

As described in Claim 2;

4. said separating wheel toroidal flange comprises a set of gear teeth (note that notch (49) is a functional equivalent of a gear tooth);

As described in Claims 3, 15 and 28;

5. a motor (42) having an output shaft (43) operably connected to said gear teeth of said toroidal flange for driving the separating wheel;

As described in Claim 4;

6. a gear train positioned between said output shaft and said gear teeth of said toroidal shaft;
7. one gear of said gear train being fastened on said output shaft and another gear of said gear train engaging said gear teeth of said toroidal flange (note that it would be a matter of design choice to include a gear train based upon what power would be required to turn the flange gear);

As described in Claim 5;

8. said wheel housing toroidal channel includes an opening through which said gear teeth of said toroidal flange can be accessed (again, this would be obvious, otherwise, this would not work—for example, note that notch (48) must be accessed by a mating key, otherwise, it will not turn the wheel);

As described in Claim 7;

9. said wheel housing apertures are arranged in a size order (note that it would be expedient for one ordinarily skilled in the art to arrange the apertures based on size);

As described in Claims 8 and 17;

10. at least one of said sorting apertures has a trailing edge with an angled surface (see openings (46));

As described in Claims 9 and 18;

11. said wheel housing has a central portion located radially inwardly from said plurality of sorting apertures, said central portion having a recessed area in an upper surface thereof (24a);

As described in Claims 11, 20 and 24;

12. said leading edge of said plurality of apertures of said separating wheel has a thickness slightly greater than a thickness of a thickest coin meant to be sorted (see figure 9, noting that the leading edge (50a) would be expected to be greater in thickness than the thickest coin, since it would be desired that the coins have clearance in the coin channel and be positively captured by a leading edge portion);

As described in Claims 12 and 21;

13. each of said plurality of apertures in said separating wheel has a diameter which is smaller than a combined diameter of two of a smallest diameter ones of the coins meant to be sorted so that two of the smallest diameter ones of the coins meant to be sorted cannot fit into one aperture;

(See Chichester et al, col. 2, lines 3-6. Note that it would be a matter of design choice as to what denominations are handled by the apparatus and expedient for one ordinarily skilled in the art to provide a diameter that does not allow more than one coin to enter a coin aperture—however, it appears that it may still be possible for two of the smallest diameter coins to enter a single aperture if the largest coin handled is larger than two of the smallest coin diameters added together.)

As described in Claims 13 and 21;

14. said at least one aperture in said separating wheel has a trailing edge with a tapered surface (see figure 5, for example) that is smaller in thickness than is a thickness of a thinnest one of the coins meant to be sorted in order to prevent two of the coins from becoming stacked in a single aperture (see also Chichester et al, col. 2, lines 3-6);

As described in Claims 16, 25 and 26;

15. a plurality of apertures spaced from each other and arranged in size order (note again that this would be expedient);

***Conclusion***

Applicant's representative is encouraged to contact the Examiner should there be any questions or concerns about this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

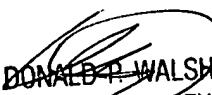
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Application/Control Number: 09/780,826  
Art Unit: 3653

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Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

October 19, 2003

  
DONALD P. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600